

AMENDED IN SENATE MARCH 12, 2007

SENATE BILL

No. 206

Introduced by Senator Cox

February 8, 2007

~~An act to amend Section 51070 of the Government Code, relating to local government.~~ *An act to amend Section 20150.1 of the Public Contract Code, relating to public contracts, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 206, as amended, Cox. ~~Local government: open-space easements. Public contracts: counties.~~

Under the Local Agency Public Construction Act, counties with a population of less than 500,000 must comply with specified procedures for contracting for public projects. Existing law allows a public agency, as defined includes counties, to elect to be subject to the Uniform Public Construction Cost Accounting Act, which authorizes alternative bidding procedures for public projects, as specified.

This bill would declare that every county containing a population of less than 500,000 is authorized to participate in the Uniform Public Construction Cost Accounting Act.

This bill would state that this change is declaratory of existing law.

This bill would declare that it is to take effect immediately as an urgency statute.

~~Existing law, the Open-Space Easement Act of 1974, declares the Legislature's intent to provide a means for a county or city to acquire or approve an open-space easement in perpetuity or for a term of years to preserve and maintain open space.~~

~~This bill would also state that the Legislature intends that the acquisition or approval of an open-space easement be determined by a county or city to be in its best interests.~~

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 20150.1 of the Public Contract Code is*
2 *amended to read:*

3 20150.1. (a) Notwithstanding any other provision of law,
4 *except as provided in subdivision (b), every county, whether*
5 general law or charter, containing a population of less than 500,000
6 shall employ bidding procedures on public projects as provided
7 in this article. This article shall be liberally construed to effect its
8 purposes. In the event of conflict with any other provision of law
9 relative to bidding procedures, the provisions of this article shall
10 apply.

11 (b) *Every county, whether general law or charter, containing*
12 *a population of less than 500,000 is authorized to participate in*
13 *the Uniform Public Construction Cost Accounting Act under*
14 *Chapter 2 (commencing with Section 22000) of Part 3 of Division*
15 2.

16 SEC. 2. *The amendment of Section 210150.1 made by this act*
17 *does not constitute a change in, but is declaratory of, existing law.*

18 SEC. 3. *This act is an urgency statute necessary for the*
19 *immediate preservation of the public peace, health, or safety within*
20 *the meaning of Article IV of the Constitution and shall go into*
21 *immediate effect. The facts constituting the necessity are:*

22 *Twenty-three counties with populations of less than 500,000*
23 *have adopted resolutions, in the manner as prescribed by law,*
24 *allowing them to use the alternative bidding procedures in the*
25 *Uniform Construction Cost Accounting Act, and acting in good*
26 *faith, these counties have been using the act for public construction*
27 *bidding for many years. Due to the Controller's recent*
28 *interpretation of the state's public contracting laws, these counties*
29 *have recently received letters from the Controller indicating they*
30 *are not eligible to use the act's alternative bidding procedures.*
31 *As such, an urgent statutory fix is necessary to protect the counties*
32 *from challenges that they have been acting illegally, and to allow*

1 *the counties to continue to use the act's alternative bidding*
2 *procedures that they have been using up to this point without*
3 *question from the Controller or the public.*

4 ~~SECTION 1. Section 51070 of the Government Code is~~
5 ~~amended to read:~~

6 ~~51070. It is the intent of the Legislature in enacting this chapter~~
7 ~~to provide a means whereby any county or city may acquire or~~
8 ~~approve an open-space easement in perpetuity or for a term of~~
9 ~~years for the purpose of preserving and maintaining open space~~
10 ~~as the county or city determines to be in its best interests.~~